

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEROME SMITH,

Plaintiff

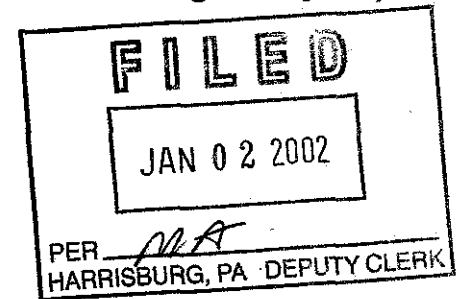
v.

**FEDERAL BUREAU OF
PRISONS, et al.,**

Defendants

CIVIL NO. 1:CV-01-1192

**(Judge Rambo)
(Magistrate Judge Smyser)**



ORDER

On November 27, 2001, the magistrate judge filed a report in which he recommended that Defendants' motion to dismiss the complaint as duplicative of another pending action be denied, but also recommended that the Federal Bureau of Prisons be dismissed from the captioned case. On December 5, 2001, Plaintiff filed objections to the report and recommendation and filed a motion to amend his pleadings.

In his objections to the report and recommendation, Plaintiff agrees that the Federal Bureau of Prisons is not a proper party to this suit but seeks to prevent dismissal as to the five individual defendants. Plaintiff apparently misreads the report and recommendation. The magistrate judge has not recommended the dismissal of the case as to the five named individual defendants.

IT IS THEREFORE ORDERED THAT:

- 1) The court adopts the report and recommendation of Magistrate Judge Smyser.
- 2) Defendants' motion to dismiss the captioned action as duplicative is denied.

3) Defendant Federal Bureau of Prisons is not a proper party and is dismissed from this action.

4) Plaintiff's motion to amend is denied as moot.

5) The captioned action is remanded to Magistrate Judge Smyser for further proceedings.


SYLVIA H. RAMBO
United States District Judge

Dated: January 2, 2002.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

Re: 1:01-cv-01192 Smith v. Federal BOP

True and correct copies of the attached were mailed by the clerk
to the following:

Jerome Smith #19145-018
FPC-ALLEN
P.O. Box 1000
Montgomery, PA 17752

Mark E. Morrison, Esq.
Office of the United States Attorney
P.O. Box 11754
Harrisburg, PA 17108-1754

cc:

Judge	(X)	() Pro Se Law Clerk
Magistrate Judge	(X)	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Other_____	()	

MARY E. D'ANDREA, Clerk

DATE: January 2nd, 2002

BY:


Deputy Clerk